

Application No. 09/674,031

REMARKS

Claims 1-6 are pending. By this Amendment, claims 1-6 are amended. No new matter is added. Reconsideration of the application is respectfully requested.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (c) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to a personal interview conducted with the Examiner. Entry of the amendments is thus respectfully requested.

Applicants appreciate the courtesies extended to Applicants' representative during the interview conducted on October 7, 2003. The separate record of the substance of the interview is incorporated into the following amendments and remarks.

The purpose of the interview was to discuss the Office Action mailed June 23, 2003 and the Amendment After Final Rejection filed on September 23, 2003 in response thereto. The primary emphasis of the discussion was directed to independent claims 1-6.

Applicants argued that Giblin fails to disclose a synthetic resin container including a vertical, curved rib that is contiguous with the left and right edges of the label, as recited in claim 1; a synthetic resin container including lateral curved ribs extending along the upper and lower portions of the body, as recited in claim 2; and a synthetic resin container including edges of the label that are positioned in the ribs, as recited in claim 3.

During the interview, the Examiner agreed that Giblin cannot be applied to reject claims 1-3 as a rejection under 35 U.S.C. §102 because Giblin fails to disclose each of the above features. However, the Examiner stated that the features found in claims 1-3 are obvious, and will apply a rejection under 35 U.S.C. §103 in the next Office Action.

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In regards to Hirata, Applicants argued that Hirata fails to disclose a synthetic resin container including a thick portion that is formed on an inner surface of the body adjacent to and under an edge of the label, as recited in claim 6. The Examiner was receptive to this assertion and stated that the rejection over Hirata will be obviated. Further, she stated that if Applicants claimed the "thick portion formed on an inner surface of the body adjacent to the label" in each of the independent claims, it would appear to overcome the applied references.

Accordingly, Applicants have amended claims 1-5 to include the agreed upon allowable subject matter of a thick portion formed on an inner surface of the body adjacent to the label. Thus, it is respectfully submitted that the application is now in condition for allowance.

I. **The Claims Define Allowable Subject Matter**

The Office Action rejects claims 1-3 under 35 U.S.C. §102(e) over U.S. Patent No. 6,223,945 to Giblin et al. (hereinafter "Giblin"), claim 6 under 35 U.S.C. §102(b) over U.S. Patent No. 5,193,711 to Hirata et al. (hereinafter "Hirata"), and claims 4 and 5 under 35 U.S.C. §103(a) over U.S. Design Patent No. 177,275 to Perinet in view of U.S. Patent No. 4,662,528 to Slat. These rejections are respectfully traversed.

As discussed and agreed during the interview, Giblin, Hirata, Perinet and Slat, individually or in combination, fail to disclose or suggest a thick portion formed on an inner surface of the body which is adjacent to and under the edges of the label, as recited in claims 1-3 and 5-6, and similarly recited in claim 4.

For at least these reasons, Applicants respectfully submit that Giblin, Hirata, Perinet and Slat, individually or in combination, fail to disclose or render obvious the features recited in independent claims 1-6. Reconsideration and withdrawal of the rejections are respectfully requested.

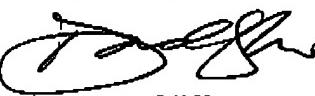
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II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-6 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number set forth below.

Respectfully submitted,



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JAO:DXC/brc

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